WP(C) 1812/2007
BEFORE
THE HON’BLE MR JUSTICE B.K. SHARMA

Heard Mr. D.C. Mahanta, learned Sr. Counsel assisted by Ms. P. Bhattacharya learned counsel for the petitioner as well as Ms. B. Hazarika, learned Standing Counsel, Water Resource Department. Mr. P.C. Dey, learned counsel has already entered appearance on behalf of the respondent No. 3 by filing caveat.

The petitioner, an Executing Engineer working under the Water Resource Department is aggrieved by Annexure2 notification dated 10.4.2007 by which he has been transferred from Naorth Lakhimpur to Guwahati.

It appears that the notification has been issued transferring other incumbents as well alongwith the petitioner. According to the petitioner, he having not completed the normal tenure of 3 years in the Division he could not have been transferred in terms of the transfer guidelines issued by the Government of Assam.

Mr. P.C. Dey, learned counsel for the respondent No. 3 submits that the respondent No. 3 has already been released from Guwahati and he has joined at North Lakhimpur and that there is no question of passing any interim order by way of suspending the impugned transfer notification. He further submits that since there is no violation of the statutory rules and the petitioner has not attributed any malafide exercise of power, the writ Court will be reluctant to interfere with the impugned order.

Considering the submissions advanced by the learned counsel for the parties and as agreed to by them, I dispose of the writ petition providing that the petitioner may make appropriate representation agitating his grievance, if any before the competent authority. He may make the representation within one week from today. In the event of making any representation by the petitioner, same shall be considered by the competent authority in accordance with law. Entire exercise shall be carried out as expeditiously as possible preferably within two weeks thereafter.

The stand of the respondent No. 3 is that he has already been released from Guwahati and has joined at North Lakhimpur. On the other hand it is the case of petitioner that the respondent No. 3 has not joined at North Lakhimpur.

Till disposal of the representation within the aforesaid period upon filing of the representation by the petitioner, status quo as on today shall be maintained.

Writ petition is disposed of.